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**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON**

ANGELA UKPOMA,

Plaintiff,

vs.

SELECT PORTFOLIO
SERVICING, INC.,

Defendant.

NO. 2:10-cv-00420-LRS

ORDER OF DISMISSAL

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15 This matter came before the Court on the Motion to Dismiss, filed on
16 December 27, 2010, by defendant Select Portfolio Servicing, Inc. (“SPS”).
17 Based on the pleadings and papers on file, the supporting memorandum, and
18 the evidence presented, the Court finds that on December 8, 2010, a week
19 after the instant suit was commenced, the plaintiff Angela Ukpoma filed for
20 relief under Chapter 7 of the United States Bankruptcy Code, in the matter of
21 *In re Ukpoma*, United States Bankruptcy Court for the Eastern District of
22 Washington Case No. 10-06815-PCW7. Ukpoma’s Chapter 7 Trustee, and
23 not Ukpoma herself, is the real party in interest to pursue the claims asserted
24 in this action, and the Chapter 7 Trustee has not sought to intervene as
25 plaintiff despite notice of SPS’s motion. Moreover, the Court concludes that
26 Ukpoma’s Original Petition (Complaint) (Ct. Rec. 1), filed herein on

1 December 1, 2010, fails to state a claim against SPS upon which relief may
2 be granted, as required by Fed. R. Civ. P. 12(b)(6).

3 Accordingly, **IT IS HEREBY ORDERED:**

- 4 1. SPS's Motion to Dismiss, Ct. Rec. 7, is hereby **GRANTED**.
- 5 2. Plaintiff's claims against SPS are hereby **DISMISSED**.
- 6 3. Plaintiff's Motion to Obtain ECF Login/Password, Ct. Rec. 12,
7 is **DENIED**, as moot.
- 8 4. Plaintiff's Motion to Amend, Ct. Rec. 21, is **DENIED**. The
9 Court finds that amendment of the complaint would be futile
10 with respect to Defendant SPS.
- 11 5. The District Court Executive is directed to enter judgment
12 consistent with this order.
- 13 6. The file shall be **CLOSED** in this matter.

14 The District Court Executive is directed to enter this order and forward
15 copies to counsel, and Plaintiff.

16 DATED this 1st day of March, 2011.

17 *s/Lonny R. Suko*

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19 LONNY R. SUKO
20 United States District Court Judge